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March 5, 2012

(By Facsimile)

The Honorable Sandra L. Townes
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 13 2012 ★

BROOKLYN OFFICE

Re: *United States v. Richard Lugo,*
Criminal Docket No. 08-7139 (SLT)

08-739

Dear Judge Townes:

The undersigned respectfully requests that the Court schedule this matter for a status conference to be held on March 9, 2012, at 10:30 in the forenoon, for the appointment of counsel, and that the Court issue an **order to show cause** (to the Government) why the undersigned's **innocent third party petition** filed January 23, 2012 - pursuant to 21 U.S.C. § 853(n) - should not be immediately granted.

On January 5, 2012, the Court vacated the previous final order forfeiting to the United States a sum of U.S. Currency illegally seized (and continuously retained by the Government) from the undersigned's residence. The Court also directed that the Government serve the undersigned with the preliminary forfeiture order issued in this case. The Government complied with the January 5, 2012 Order by serving the undersigned at 32 Auburn Place, Brooklyn, New York - the residence from where the funds were seized. Service was effectuated by first class and certified mail. The Government now advises - for reasons unbeknownst to this writer - that the **item** was returned on January 25,

-2-

12. However, the Government's on proof of service (See, Docket Entry 180) certifies that service was effectuated in *two* ways. The Government does not contend that ***both items were returned***. That is because the item sent regular mail was received. In response thereto, the undersigned filed a petition asserting third party (and exclusive) interest in the funds seized. The Government is aware of the docketing of that filing on January 23, 2012, and has effectively refused to respond or return the property. In that petition, the undersigned has asserted an exclusive right to the funds seized. Indeed, the undersigned has always asserted such a right since the inception of the criminal matter more than three years ago. As of this date, the Government has yet to oppose that interest. Instead, the Government has – for a second time – served the preliminary order of forfeiture on the undersigned, despite the filing of the January 23, 2012 petition – which is clearly filed in compliance with the Court's January 5, 2012 Order, and only after having received the preliminary order of forfeiture.

It is this writer's opinion that the Government is acting in bad faith in retaining the property and refusing to defend its position to retain it, despite the undeniable claim of exclusive interest in such property asserted and proven by the undersigned. The undersigned's Due Process rights have been flouted in this matter since January 2009 – when the undersigned initially moved for the return of this property. The manner in which this matter is being handled also effectively deprives the undersigned of her right to seek redress from the Court, and should promptly be brought to a conclusion by an order directing the return of the property – if not an order scheduling this matter for an immediate conference and the appointment of counsel for the undersigned who is indigent.

It should also be noted that, although the residence at 32 Auburn Place, Brooklyn, New York, was destroyed by fire, that residence is currently under construction to be repaired and the undersigned still retains possession of that residence and has full access to the mailbox associated therewith.

-3-

For the reasons stated, the undersigned respectfully requests that the Court take immediate action on this application, and grant same in the interest of justice.

Respectfully Submitted,

Tyrana Carter

Tyrana Carter Jones

cc: Eric Holder, U.S. Attorney General (w/encl.)
Loretta E. Lynch, US Attorney (EDNY)
Karen R. Hennigan, AUSA (EDNY)
Office of Professional Responsibility (w/encl.)